

ORDINANCE NO. 186366

An ordinance amending Sections 56.12 of Article 6, Chapter V; 61.07 of Article 1, Chapter VI; 64.70 of Article 4.4, Chapter VI; and 66.25 of Article 6, Chapter VI of the Los Angeles Municipal Code to enhance the City's remedies against illegal dumping.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section. 1. Section 56.12 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 56.12. OBSTRUCTIONS ON STREETS AND SIDEWALKS.

1. It shall be unlawful for any person or entity occupying or having charge or control of any premises to place or cause to be placed, or allow to remain upon the sidewalk, or upon the street in front of, behind, or adjacent to such premises, anything which shall obstruct any portion of the public right-of-way, including, but not limited to, a sidewalk, street, alley, or parkway, without a valid permit therefor. The prohibition in this section shall not apply to any article or substance temporarily placed on the sidewalk or street during the active process of loading or unloading, but only during the minimum amount of time for the active loading and unloading to occur and provided the article or substance does impede passage as required by the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended from time to time.

2. It shall be unlawful for any person or entity to enter into a lease, rental agreement, or contract of any kind, written or oral, with or without compensation, for the use of any public right-of-way, including, but not limited to, a sidewalk, street, alley, or parkway.

3. **Severability.** If any subsection, sentence, clause, or phrase of this article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have adopted this section and each and every subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Sec. 2. Subsection (b) of Section 61.07 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

(b) The Director of the Bureau of Sanitation, the Assistant Director of the Bureau of Sanitation, the Division Manager of the Bureau of Sanitation, the Assistant Division Manager of the Bureau of Sanitation, Chief Environmental Compliance Inspectors, Senior Environmental Compliance Inspectors, and Environmental Compliance Inspectors of the Bureau of Sanitation (BOS Inspectors) are duly appointed

public officers as defined in California Penal Code Section 836.5 and have the power, authority, and immunity of an illegal dumping enforcement officer to enforce laws with respect to the environment, storm drain systems, and waters of the State, as set forth in California Penal Code Section 830.7(j), and authorized by a Memorandum of Understanding with the Los Angeles Police Department. Only a BOS Inspector who has successfully completed a training course pursuant to California Penal Code Section 832 and has satisfied the selection standards for a peace officer pursuant to the California Government Code Section 1031, shall exercise this power, authority, and immunity.

A BOS Inspector shall have the power to enforce Section 64.70 of this Code with respect to public health and safety, environment, storm drain systems, and waters of the State of California. A BOS Inspector also shall have the power to serve warrants as specified in the California Code of Civil Procedure Section 1822.50, *et seq.* In addition, a BOS Inspector shall have the foregoing power, authority, and immunity with respect to a violation of any of the following sections of the Los Angeles Municipal Code:

62.45(b)	62.79	62.130
62.49(a)	62.80	66.25
62.51.1(e)	62.96(a)	67.02(a)

A BOS Inspector also shall have the power to enforce and to make arrests without a warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor or infraction in his or her presence which is a violation of any of the following provisions of this Code or is in violation of California Penal Code Section 556 or 556.1:

12.21.A.8	56.12	103.203
41.14	66.03	103.203(1)
41.45	66.17.1	112.04(c)
42.00	80.73(a)(2)	114.04
56.11	85.01(a)	
56.08	96.02	114.05

A BOS Inspector is deemed to be acting within the scope of his or her employment with respect to all acts and matters set forth in this section.

Sec. 3. Subdivisions 1 through 38 of Subsection A of Section 64.70.01 of the Los Angeles Municipal Code are renumbered 2 through 39, respectively, and a new Subdivision 1 is added to read as follows:

1. **"Administrative Citation"** means an Administrative Citation issued pursuant to Article 1.2 of Chapter 1 of this Code, unless otherwise specified.

Sec. 4. Subdivision 5 of Subsection B of Section 64.70.02 of the Los Angeles Municipal Code is amended to read:

5. Violation of any of the following prohibitions within this subdivision shall be punishable as an infraction.

Sec. 5. Section 64.70.07 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 64.70.07. ENFORCEMENT.

A. Criminal and Civil Sanctions.

1. **Misdemeanor.** Every violation of this article is punishable as a misdemeanor unless such violation or failure to comply is declared therein to be an infraction. A misdemeanor shall be punishable as follows:

(a) A misdemeanor shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

2. **Infraction.** Violation of any provision of this article that is provided herein to be an infraction shall be punishable as follows:

(a) Every violation that is charged as an infraction is punishable by a fine not to exceed \$200 for the first violation and \$250 for the second violation of the same provision occurring at any time after the first violation. Any subsequent violation(s) of the same provision, occurring any time after the second violation of the same provision, shall be punishable as a misdemeanor.

3. **Administrative Citation.** Violation of any provision of this article may be punishable as a criminal offense or by the issuance of an Administrative Citation. An Administrative Citation shall be assessed the following administrative fines:

(a) An administrative fine of \$250 for a first violation;

(b) An administrative fine of \$500 for a second violation; and

(c) An administrative fine of \$1,000 for a third violation and \$1,000 for each subsequent violation.

B. Violations Deemed A Public Nuisance. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any provision of this article shall be deemed a public nuisance, and may be summarily abated by the City.

C. Continuing Violation. Unless otherwise provided, a person shall be deemed guilty of a separate offense for each and every day a violation of this article is committed, continued, or permitted by the person, and shall be punishable accordingly as herein provided.

Sec. 6. Section 64.70.09 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 64.70.09. LIABILITY FOR COSTS OF CORRECTION ARISING FROM UNLAWFUL DISCHARGE.

In addition to any fine or penalty imposed, whenever any discharger introduces or causes the introduction of non-storm water or any pollutant in violation of this article and the discharge results in a violation of any state or federal laws or regulations, damages public property, or adversely affects a storm drain system in the City of Los Angeles or receiving waters, the discharge shall be deemed a public nuisance, and the discharger shall be liable to the City for reasonable costs necessary to correct that discharge, detriment or adverse effect, including, but not limited to, labor, material, inspection, transportation, overhead, and incidental expenses associated with the corrective action or the clean-up of the pollutant and its effects.

In addition to the City's right to recover all costs associated with the corrective action or the clean-up of the pollutant and its effects, the City shall also recover the City's costs for administering any contract and supervising the work required if the City did not perform the cleanup directly. These administration costs shall equal 40 percent of the cost to perform the actual work, but not less than the sum of \$100.

All costs incurred pursuant to this section shall be a personal obligation against the discharger and any owner of any property that is the source of any discharge, and are recoverable by the City in an action before any court of competent jurisdiction. In addition to this personal obligation and all other remedies provided by law, the City may collect any judgment, fee, cost, or charge, including any permit fees, fines, late charges, or interest, incurred in relation to the provisions of this section as provided in Los Angeles Administrative Code Sections 7.35.1 through 7.35.8.

Sec. 7. Section 66.25 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 66.25. DEPOSITING SOLID WASTE ON STREETS OR IN THE LOS ANGELES RIVER PROHIBITED.

(a) No person shall deposit or cause to be deposited any solid waste of any kind whatsoever upon or in any street, or upon any premises in this City, or in the Los Angeles River.

(b) Any person whose identifying information is found in or who is otherwise responsible for the deposit of solid waste of any kind whatsoever, upon or in any street, shall be responsible for depositing it on the public right-of-way.

(c) Any violation of this article may be punishable as a criminal offense under Section 11.00 of this Code or by the issuance of an Administrative Citation. Administrative Citations shall be assessed the following fines:

1. An administrative fine of \$500 for a first violation;
2. An administrative fine of \$750 for a second violation; and
3. An administrative fine of \$1,000 for a third violation and \$1,000 for each subsequent violation.

(d) In addition to any fine or penalty imposed, whenever any person deposits or causes to be deposited any solid waste in violation of this article and the deposit results in a violation of any state or federal laws or regulations or damages public property, the deposit shall be deemed a public nuisance, and the person having deposited or caused to be deposited the solid waste shall be liable to the City for reasonable costs necessary to correct that nuisance, detriment, or adverse effect, including, but not limited to, labor, material, inspection, transportation, overhead, and incidental expenses associated with the corrective action and the clean-up of the solid waste and its effects.

In addition to the City's right to recover all costs associated with the corrective action and the clean-up of the pollutant and its effects, the City also shall recover the City's costs for administering any contract and supervising the work required if the City does not perform the cleanup directly. These administration costs shall equal 40 percent of the cost to perform the actual work, but not less than the sum of \$100.

All costs incurred pursuant to this section shall be a personal obligation against the discharger and any owner of any property that is the source of any discharge, and are recoverable by the City in an action before any court of competent jurisdiction. In addition to this personal obligation and all other remedies provided by law, the City may collect any judgment, fee, cost, or charge, including any permit fees, fines, late charges, or interest, incurred in relation to the provisions of this section as provided in Los Angeles Administrative Code Sections 7.35.1 through 7.35.8.

Sec. 8. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reason: In order for the City of Los Angeles to ensure that its public areas are in clean, sanitary and accessible condition, and to promote the public health and safety by ensuring that public areas remain readily accessible for their intended uses, it is necessary that the amendments to the Los Angeles Municipal Code as reflected in this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

